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24 *and Nichicon (America) Corporation*

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UNITED STATES COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CAPACITORS ANTITRUST
LITIGATION

THIS DOCUMENT RELATES TO:
DIRECT PURCHASER CLASS ACTION;
FLEXTRONICS INTERNATIONAL USA,
INC.'S INDIVIDUAL ACTION

Master file No. 3:14-cv-03264-JD

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING REVISED
SCHEDULING OF PHASE II FTAIA
SUMMARY JUDGMENT MOTIONS AS
TO FLEXTRONICS

1
2 WHEREAS Plaintiff Flextronics International USA, Inc. (“Flextronics”) and the “Flextronics
3 Defendants”¹, by and through their counsel, previously stipulated to a Phase II FTAIA summary
4 judgment briefing schedule as to Flextronics consistent with the parties’ expectations regarding
5 ongoing discovery necessary to the efficient resolution of Flextronics’s claims without impacting the
6 overall progress of this consolidated litigation (*see* Dkt. # 1410);
7

8 WHEREAS the Court approved and adopted the briefing schedule jointly proposed by the
9 parties and set a hearing on the motions for July 6, 2017 (*see* Dkt. # 1412);

10 WHEREAS Flextronics and the Flextronics Defendants have repeatedly met and conferred
11 since that stipulation in an effort to resolve the several complex discovery issues remaining to be
12 completed in order to allow for a full and proper briefing of the Phase II FTAIA summary judgment
13 issues unique to Flextronics;
14

15 WHEREAS the completion of several components of necessary discovery, including the
16 depositions of a key Flextronics witness, has been delayed due to unforeseeable circumstances;

17 WHEREAS Flextronics and the Flextronics Defendants agree that completion of necessary
18 discovery cannot be completed within the current briefing schedule;

19 IT IS HEREBY STIPULATED AND AGREED by and between counsel for Flextronics and
20 the Flextronics Defendants that the Phase II FTAIA briefing and hearing schedule in the Flextronics
21 action be revised to proceed as follows:
22

23
24 ¹ The “Flextronics Defendants” consist of KEMET Corporation; KEMET Electronics Corporation;
25 Nippon Chemi-Con Corporation; United Chemi-Con, Inc.; Hitachi Chemical Co., Ltd.; Hitachi AIC
26 Inc.; Hitachi Chemical Co. America, Ltd.; Nichicon Corporation; Nichicon (America) Corporation;
27 AVX Corporation; Rubycon Corporation; Rubycon America Inc.; ELNA Co., Ltd.; ELNA America
28 Inc.; Matsuo Electric Co., Ltd.; TOSHIN KOGYO Co., Ltd.; Holy Stone Enterprise Co., Ltd.;
Milestone Global Technology, Inc. (D/B/A HolyStone International); ROHM Co., Ltd.; ROHM
Semiconductor U.S.A., LLC; Okaya Electric Industries Co., Ltd.; Okaya Electric America Inc.;
Taitso Corporation; Taitso America, Inc.; Shinyei Kaisha; Shinyei Technology Co., Ltd.; Shinyei
Capacitor Co., Ltd.; Shinyei Corporation of America, Inc.; Nitsuko Electronics Corporation; Nissei
Electric Co., Ltd.; Soshin Electric Co., Ltd.; Soshin Electronics of America, Inc.; Shizuki Electric
Co., Inc.; and American Shizuki Corporation (collectively, the “Flextronics Defendants”).

- The Flextronics Defendants' opening brief shall be due May 22, 2017;
- Flextronics' response shall be due June 29, 2017;
- The Flextronics Defendants' Reply shall be due on July 28, 2017;
- The hearing on the Phase II FTAIA summary judgment motions as to Flextronics currently scheduled for July 6, 2017 be vacated and rescheduled consistent with this stipulation as the Court deems appropriate.

The undersigned parties jointly and respectfully request that the Court enter this stipulation as an order.

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4 Dated: April 11, 2017

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1 Pursuant to Local Rule 5.1(i)(3), I attest that all other signatories listed, and on whose behalf
2 the filing is submitted, concur in the filing's content and have authorized in writing.

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4 Dated: April 11, 2017

/s/ Michael Martinez
Michael Martinez

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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3 Dated: April 13, 2017

Honorable

United States

